

REMARKS

The Office Action of November 5, 2003, has been considered and its contents carefully considered.

Claims 5 to 7 and 10 to 26 are all the claims pending in the application, prior to the present amendment.

Applicants thank the Examiner, Ms. Yamnitzky, for courtesly granting the telephone interview of December 16, 2003, which is referred to in the Interview Summary sent on December 23, 2003. As set forth in the Interview Summary, Applicants need not provide a Statement of the Substance of the Interview.

In the Office Action, the Examiner states that the rejection based on the published applications of Grushin et al and Thompson et al are withdrawn as prior art with respect to devices comprising a compound having a partial structure represented by formula (9) or (19), in view of the filing of the certified translation of JP 11-370349. Applicants understand this comment to apply to formula (9) as presented in claims 5 and 25. Claim 20 also recites a more limited definition of formula (9). The Examiner in the previous Office Action indicated that the limited definition of formula (9) in claim 20 was allowable over Grushin et al and Thompson et al, without the certified translation. Accordingly, Applicants submit that claim 20 is patentable without considering the certified translation.

Claim 25 has been rejected under the first paragraph of 35 U.S.C. §112 as based on a disclosure which is non-enabling because claim 25 fails to recite features that are critical or essential in the practice of the invention.

In particular, the Examiner states that claim 25 fails to recite that the light-emitting layer or plurality of layers containing a light-emitting layer is interposed between a pair of electrodes.

Claim 25 is a new claim that was added in the Amendment Under 37 C.F.R. § 1.111 filed on August 18, 2003. Claim 25 inadvertently omitted the recitation that the light-emitting layer or plurality of layers containing a light-emitting layer is interposed between a pair of electrodes. Accordingly, Applicants have amended claim 25 to include this recitation.

Applicants note that the Examiner has indicated that claim 25 would be allowed if amended to overcome the above rejection.

Claims 5-7, 10-14 and 18-21 have been rejected under the second paragraph of 35 U.S.C. § 112 as indefinite.

The Examiner sets forth two reasons for this rejection.

First, the Examiner states that the scope of the light-emitting material as defined in claim 5 is confusing because of the use of the term “and” in the phrase “having a partial structure represented by formula “(4) to (7) and (9), (22) or a tautomer thereof”.

In addition, the Examiner states that claim 5 sets forth a formula (20), but that this formula (20) is not referred to elsewhere in the claim.

In Paragraph 5 of the Office Action, the Examiner states that she is interpreting these claims as reciting a light-emitting material that has “a partial structure represented by formula (4) to (7), (9), (20), (22) or a tautomer thereof”.

In response, Applicants have amended claim 5 to delete formula (20) and to state that “at least one” light-emitting material has a partial structure “selected from the group of the following formula (4) to (7), (9), (22) and a tautomer thereof.”

In view of these amendments, Applicants submit that claim 5 complies with the requirements of 35 U.S.C. § 112 and, accordingly, request withdrawal of this rejection.

Applicants note that the Examiner has indicated that claims 18 to 21 would be allowed if rewritten to overcome the above rejection.

Claim 24 has been rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent Publication 2002/012638 to Grushin et al.

In response, Applicants have cancelled claim 24. This rejection therefore is moot.

Claims 5 to 7, 10 to 14 and 26 have been rejected under 35 U.S.C. § 103(a) as obvious over the Thompson et al '656 or Grushin et al '638 published patent applications.

The Examiner refers to various compounds of these two references as disclosing compounds within the scope of formula (20) of these claims.

Of these claims, claims 5 and 26 are independent.

Applicants believe that the only reason why claim 5 has been rejected over these references is that it contains formula (20). Claims 11 to 14 also relate to formula (20) and formula (20) also appears in claim 26. Applicants have amended claim 5 to delete formula (20) and have cancelled claims 11 to 14 and 26, thus leaving amended claim 5 and claims 6, 7 and 10 which depend from claim 5, subject to this rejection.

Since formula (20) has been deleted from claim 5, Applicants submit that these claims are patentable of Thompson et al '656 and Grushin et al '638 and, accordingly, request withdrawal of this rejection.

Applicants have added new claims 27 and 28 which depend from claim 5 and are directed to formula (5) and formula (6), respectively. Applicants submit that these claims are allowable and do not raise any new issues.

Claims 15-17 have been objected to as containing an informality in that the word "is" should be deleted to correct the grammar of claim 15. In response, Applicants have amended claim 15 in the manner proposed by the Examiner.

Applicants note that the Examiner has indicated that claims 15 to 17 will be allowed upon correction of claim 15.

The Examiner sets forth a number of miscellaneous objections to formula (20) in claims 5 and 26 and formula (8) in claim 24.

As discussed above, formula (20) in claim 5 has been deleted and claims 24 and 26 have been cancelled.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


Respectfully submitted,

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